

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-mn-2873-RMG

This document relates to:

All Cases in Which the United States Is a
Named Defendant.

**THE UNITED STATES' MOTION TO HOLD IN ABEYANCE CERCLA COST
RECOVERY AND CONTRIBUTION CLAIMS**

Defendant the United States of America, representing the United States Department of Defense, the Department of the Air Force, the Department of the Army, the Department of the Navy, the Department of Homeland Security, the Federal Aviation Administration, and other federal agencies (collectively, the "United States"), respectfully moves the Court to hold the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") sections 107 and 113, 42 U.S.C. §§ 9607, 9613, cost recovery and contribution claims against the United States in abeyance in the interest of judicial economy. This request is for two reasons: (1) The U.S. Environmental Protection Agency ("EPA") is actively reviewing its Perfluorooctanoic Acid ("PFOA") and Perfluorooctanesulfonic Acid ("PFOS") (collectively "PFAS") hazardous substance designation under CERCLA and may reconsider that rule, and (2) to prevent double recovery under CERCLA. At this time, there is uncertainty about material aspects of the CERCLA claims, i.e., the future of the designation and whether Plaintiffs will recover the same costs through other claims or from other parties that are being sought under CERCLA. An abeyance is warranted in the interest of judicial economy.

The United States is prepared to provide regular updates to the Court in the joint status conferences, or as frequently as the Court deems necessary. For the reasons stated in the attached memorandum in support of this motion, the United States respectfully requests that the Court grant this motion.

Dated: September 8, 2025

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ Sanya Shahrabi

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STATEMENT AND CERTIFICATION

Pursuant to Local Civil Rule 7.02 and Case Management Order 2, the undersigned certifies that she has attempted in good faith to confer to resolve the matter contained in the motion with the affected parties before filing this motion. Counsel for the United States emailed the affected parties to provide notice and the basis for this filing, and an opportunity to meet and confer. The Plaintiffs who responded opposed this motion. Counsel for the United States met with Plaintiffs' Counsel who requested a meeting and exchanged emails with others.

/s/ Sanya Shahrabi

Attorney for the United States

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2025, I filed the foregoing Motion to Hold in Abeyance CERCLA Cost Recovery and Contribution Claims using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Sanya Shahrabi

Attorney for the United States